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Record Item: Trial Testimony of...

File Unit: Civil Case #1333, *Davis et al v. County School Board of Prince Edward County, VA, et al.*, Box 126, Volume 2 (for Isidor Chein's testimony) or Volume 5 (for Mamie P. Clark, Horace B. English, Alfred McClung Lee, William H. Kelly, John Nelson Buck, and Henry E. Garrett's testimony), then the page number.

Series: Civil Case Files

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WILLIAM H. KELLY, called as a witness by and on behalf of the defendants, being first duly sworn, testified as follows:

EXAMINED BY MR. MOORE:

Q Dr. Kelly, will you state your full name, your residence, and your occupation?

A My name is William H. Kelly; I am a physician; I am a resident of Richmond, and I am the Director of the Memorial Foundation and Memorial Guidance Clinic, and by specific profession, I am a child psychiatrist.

Q Just what is the Memorial Guidance Clinic?

A The Memorial Guidance Clinic is a treatment center for children who have behavior problems. We have a diagnostic consultation and full treatment service.

Q What sort of a staff do you have there in the clinic?

A Well, the staff is made up of three psychiatrists, seven social workers, two psychologists, and of course the routine office staff.

Q And you are the Director of that whole organization?

A Yes.

Q It is privately operated as a group?

A Yes, it is supported by State and Federal and

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Community Chest funds.

Q I mean to say, it is not a part of the State government or the city government.

A No.

Q Or Federal government?

A No.

Q Where were you born, Doctor?

A I was born in Menominee, Michigan.

Q Will you just briefly state what was your educational background?

A My elementary and high school education was in northern Michigan, and my pre-medical and medical training was at Marquette University, in Milwaukee; and my graduate psychiatric training was in Detroit, Michigan.

Q At what university?

A At Wayne University.

Q What degrees have you received?

A Well, I have a Bachelor of Science degree in medicine from Marquette University.

Q In what year?

A In 1935. A Doctor of Medicine in 1935 --

I must explain here that you work for both degrees rather simultaneously. The Bachelor of Science is theoretically awarded in 1932, but it is contingent upon your complet-

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ing your medical degree.

Q So you got both in 1935?

A Yes. And my Master of Science degree in neurology and psychiatry, I got in 1939.

Q Are you certified as a neurologist and psychiatrist?

A Yes, sir, I am certified by the American Board of Neurology and Psychiatry in 1942.

Q What memberships do you have in professional societies, Doctor?

A Well, I belong to the American Medical Association, I am a fellow of the American Psychiatric Association, I belong to the American Orthopsychiatric Association, the American Association for the Advancement of Science, the Virginia Conference of Social Work, the Virginia Neuropsychiatric, the Southern Psychiatric -- that is enough.

JUDGE DOBIE: It is plenty.

BY MR. MOORE:

Q In the carrying on of your work, you work for what groups or just how is your work carried on there in the Memorial Guidance Clinic; do you do work for the State of Virginia, the city of Richmond, and so on?

A Our work is primarily confined to the city of

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Richmond, though we do see children and some adults from other areas in the State. Our cases are referred to us from the courts, from the schools, from the various social agencies, religious groups and parents themselves come to us with their problems, and we have the out-patient or extra mural service where the individuals come to us and leave the same day. Then we have the Memorial Foundation which is our treatment residence, where we take out-of-the-community or out-of-the-home children who are so emotionally disturbed that we feel they are better treated in a treatment residence in a controlled environment.

Q Briefly state what has been your teaching experience.

A Well, in the period from 1939 to 1942, I taught at the University of Michigan, social psychiatry, and I had the title of "Special Lecturer" with professorial rank. Then I was a special lecturer at Wayne University and at Michigan State College, also teaching social psychiatry. And in Virginia, since I came here in 1946, I have variously been an extension lecturer for the University of Virginia -- and this was lecturing to teachers in, again, mental hygiene or social psychiatry; and at William and Mary, I am a lecturer in the School of Social Work and in the Department of Psychology; and at

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the Medical College, I am an Associate in Pediatrics and Associate in Neuropsychiatry.

Q In your clinic, do you maintain a training program for social workers and public health nurses and psychologists?

A Yes, we have a year-round program in the training of public health nurses from Columbia University, and social workers, five usually, from Richmond Professional Institute; psychologists from Richmond Professional Institute and Duke University, and psychiatrists in child psychiatry.

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Q Just what is the nature of the work that you do there in the clinic?

A Well, it is diagnosis and treatment of behavior problems or social problems in the community.

BY JUDGE DOBIE:

Q Is it limited to children, Doctor?

A We see some adults, but our principal focus is children.

BY MR. MOORE:

Q Now, do you treat Negroes as well as white children in your clinic?

A Yes.

Q Before you came to Richmond, and after your graduation at the University of Michigan, I believe I had better get you to make a brief statement as to just what were your activities.

A Well, I spent two years in the Pontiac State Hospital. Then I did research work for the National Committee for Mental Hygiene and Child Psychiatry. After that, I was Director of the Lansing Children's Center for three years; then, in the army for 4-1/2 years; then I went to Norfolk, until August, 1949; then I became Director of the Memorial Guidance Clinic.

Q You did the same kind of work in Norfolk

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A Yes.

Q Just what did you do in the army?

A Well, I was a psychiatrist in various installations, in general hospitals and station hospitals -- well, all the medical units, but spent most of my time in combat divisions, that were engaged in landings. After the combat died down, for six or eight weeks I would go back to a larger hospital.

Q What areas did you work in?

A Well, my experience covered pretty largely the South Pacific. I mean, I had experience ranging from New Zealand to Japan, finally.

Q Bougainville, and all that?

A Yes; I was in Bougainville, and in New Guinea, Guadalcanal, Luzon, and all that.

Q Have you found out in your work that segregation of some sort is really inherent in our everyday life?

A My answer to that is Yes. I think that a form of segregation occurs in all of the cultures that are exposed to one another; that we have it on social levels; that segregation exists in all cultures.

Q Have you found that segregation problems differ at different educational levels?

A Yes. I feel that the problems that we have occasion

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to see differ at various levels. For instance, the problems that we see in terms of children, say, in the first five or six grades, are pretty largely problems of non-conforming behavior and school adjustment problems; and as you go into the higher levels, say, the junior high school and the high school levels, you find the problems of segregation coming into the picture; then your sex problems begin to come into the picture. And as you go into collegiate levels, your problems are more of individual personality adjustment.

I think the important thing of the difference of problems at different levels is that evidence that I have heard here is not completely crystallized, at least, the way I see it,-- the higher you go in the educational scale, you become, in just the physical process of growing up -- the higher you go, the less the inter-personal exists; and because, as an adult, you can withdraw yourself from it, or you have the capacity to modify your environment; and at the lower levels the individual has less latitude in what he can do about manipulating his environment.

Q In your work with white people and Negroes, both, have you found that there are some complex or special problems that have arisen out of that situation?

A My answer to that has to be Yes, but I must qualify

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the answer, because I can say this, in all honesty: that I think the problem that I have seen, that has existed in the minds of the Negro children -- which, of course, brings focus on your question, -- has been an integrated problem. In other words, you can tell somebody something long enough, and convincingly enough, and you can create a problem in him. Now, the problems that I have had occasion to see are problems that have been created for the youngster, rather than inherent problems, that the individual's personality has suffered because of segregation.

Q I ask you now, are you familiar with this so-called doll test that Dr. Clark testified about as being in use among certain psychologists?

A Yes; I know something about it. I am not too familiar with it.

Q Will you tell the Court what was your reaction to that story?

A Well, the test is a projection test -- and, Judge Dobie, for a minute, please -- and a projection test implies that a certain stimulus is given to a person. That stimulus can be in the form of an ink blot, a picture, or a doll.

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When the individual responds, he projects his feeling. I think the test is a very variable one. You can present the material in a way, to a certain extent, that you can get a

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slightly controlled answer. We use the test, but the test has such subtle refinements that the sex of the person giving the test is important. We sometimes ask the woman psychologist to give it, or the man psychologist to give it, or, if we are not satisfied, we will ask a colored woman to give it, and a white woman to give it.

BY JUDGE DOBBIE:

Q Let me ask you, there, Doctor: There are opportunities for manipulation by the person giving the test, are there not?

A Yes; I think that would make a difference -- the sex of the person, the race of the person, and the attitude of the person who is giving the test. I think that, most of these tests that you go into, you can control them. There is a time element that comes into that, that you can give the tenth part of a second to the ink blot test, and you can make a modification of the test.

BY MR. MOORE:

Q Will you not get a variation if the test is given by a light-skinned Negro or by a dark-skinned Negro?

A Yes; I am sure you would. If you had a dark-skinned Negro, who was color-struck, he would get certain responses to it which would be modified by the shade of the skin of the individual who is giving the test.

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Q. What do you mean by "color-struck"? I think we would be interested in that.

A. There are certain of the individuals in the colored race who place a great deal of emphasis on the lightness of the skin, and it sets up a separation, or a difference in relationship within the framework of the group, and that is why I use the term. If an individual who was color-struck, and placed a great deal of emphasis on the lightness of the skin, made the test, I think it would make a great deal of difference, than if a very dark-skinned and fairly aggressive Negro gave the test.

Q. Just to come to the real point, Doctor, did you read the testimony of Dr. Clark?

A. Yes.

Q. Will you tell the Court whether or not it is your opinion that the tests that he refers to there as these doll tests have any pertinency or validity as applied to the public school situation in Prince Edward County?

A. I don't think that you can make any completely broad interpretation of what the feeling would be, or what would happen in the use of those tests. First of all, the tests are not standardized adequately. The tests would have to be given by white people to colored children, or by colored people to white children; they would have to be

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given to other minority groups, for instance, the Indians, who are compelled to live on reservations, or the Japanese, who moved inland during the war. The test would have to be standardized before I feel it could be the answer to that, in a general way, in this problem. I think it could give some direction and some ideas, but I don't think as yet the test is standard.

Q As a matter of fact, are these so-called social sciences new sciences?

A Yes, sir; I think they are all new sciences.

Q Can they really be classified properly as sciences in the sense of physics and chemistry, and that sort of thing?

A I can only speak for my own, and we are speaking of the very intangible thing that is locked up in here -- you can't put it on paper, except in a limited way.

BY JUDGE DOBIE:

Q Of course, you can't have the exactitude that you have in the physical sciences?

A No; but there are certain things that are pretty well-known.

Q It is pretty well-established that two atoms of hydrogen and one of oxygen constitute a molecule of water; but you can't reduce these things to a formula and speak of

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them with the same exactitude that you can in the field, say, of mathematics?

A No.

BY MR. MOORE:

Q In view of that statement, isn't it true that what we are really talking about here, as far as a witness like Dr. Clark is concerned, the same interpretation that he made from his point of view about certain things may not be agreed upon at all by other people?

A I believe I would say Yes to that.

Q Now, Doctor, you read the testimony of Dr. Clark in regard to this quite interesting interview he had with these 14 colored students over at the school?

A Yes.

Q And, you remember, he had some five or six questions that he submitted to those students; and then he came up with quite a long discussion as to their reactions to those questions. Will you tell the Court whether you consider that those interviews have any pertinency or validity as applied to the racial situation in the public school system of Prince Edward County?

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A First of all, I don't think that you could draw that concrete opinion. The thing that I questioned in the test was -- and it is used as psychological material from

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which you could draw conclusions -- I don't think that any good psychologist would tell you that you could take a group of colored children and bring them to this kind of an experience and that, a person asking them certain questions, their answers would not be colored. I would say this: Given enough time, I could create problems in the finest white schools that you have, and in the finest colored schools. If you had schools on different sides of the street, and I gave the children in one candy three times a day, on this side of the street, the children in the other school would feel they were discriminated against, and it was not as good a school as the other school.

Q And that would be discrimination in a good way, wouldn't it?

A Well, it would be a heartless type of thing, but I think it can be done.

Q Do you consider, from a psychiatrist's standpoint on this question of public acceptance, popular acceptance, or segregation or nonsegregation, that there is any analogy that may fairly be drawn to the days of prohibition?

A Yes; I think so. I think it is pretty clear that you can tell people, by an act or law, what they must do, but that doesn't mean that they will do it.

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Q Now, are you familiar with any of the tension situations that have existed between the Negroes and the whites in the United States in recent years, in situations where you have worked?

A Yes. I was in Detroit at the time when the first colored students were admitted, and this was in a high school -- I am going to call it North Side High School; I am not sure that that was the name -- and there was some unpleasantness that occurred at that time, and a federal housing project in Detroit was erected outside of what were the limits then of the colored neighborhood, and there was a great deal of resentment and difficulty at that time. Finally, the police and the fire departments had to be called to deal with the problem.

Q What did you find in the army experience that you had?

A Well, I found in the army -- I was on Bougainville with the 93rd Brigade, and they had pretty largely white officers and some colored officers, and there was a good bit of tension. The final move that was made was that the two regiments of the 93rd Brigade were removed from the combat station and taken to Green Island, where there was less activity.

Q Why was that?

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A Because of the differences that some of the colored officers claimed -- there was discrimination in assignments -- and I have had colored officers tell me that they were reluctant to go out on combat missions or combat patrols that lasted, some of them, for as much as five or six days, because they did not feel that their own men would protect them if they were wounded; and out of that, there were tension situations that arose in connection with that problem.

Q In your experience, basing your answer on this quite wide experience you have had, I ask your opinion on the question as to whether the elimination of segregation would increase, in your judgment, the opportunity that people would have of acting-out whatever race prejudice and hatred they might have?

A Yes; I think that the abrupt termination of segregation would make for some very vicious and very subtle forms of segregation, that could very easily be adopted. For instance, in a school -- the problem is in the discussion of the hurt that would come to children, and that is coming to them by segregation. I think, in my experience with people with the race question -- for instance, what would happen to the parent-teacher movement? Now, -- I don't think so much would happen to the two children's

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groups if you merged them in the elementary schools. I don't think you would have such a problem there. But I am wondering what would happen to the parent-teachers movement. I think that the greatest problem in the elimination of segregation would come at the junior high school and at the high school level.

Q You think that is the place of greatest difficulty?

A Yes.

Q I believe I am going to have to ask you this, at this point: You have mentioned the fact that you are quite familiar with some group activities in this connection, and segregation would certainly mean some changes in group feelings. Will you just enlarge on that, briefly, if you will?

A In the clinic, a part of our clinical activity has to do with group therapy. We use the groups as a method, for instance, shall I say, of treating shy and withdrawn children, and there are some pretty definite things that happen when you merge groups, when you take two groups of children and merge those groups; and this goes pretty largely at most of the age levels and is, really, what we often refer to in the broader term of "mob psychology." When the two groups are merged, the anxieties of one segment of

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the group are quite automatically increased and the pattern of the behavior of the group is that the level of group behavior drops, and the individual in the group who will deviate the farthest from the median will drop lowest; and that is a common denominator in most groups, and anybody who deals with groups, whether they be treatment groups or recreational groups, will tell you that.

Q In your experience, have you had occasion to undertake to merge white groups with colored groups in certain situations?

A No; we have not undertaken to do it. It has occurred. We have two groups on Saturday morning (both groups of boys), and they have merged; some of the whites dropped out of the group, and some of the colored boys; then we went on with the nucleus of white and colored, who were perfectly contented in that group; but we did lose some members on both sides of the group.

Q Now, just a few words, if you will, as to what you consider to be the true story about this distinction we have talked about between identity of opportunity and equality of opportunity as applied to the public high schools in Prince Edward County. Will you give us your views about that?

A Well, what I would say is that, given equal op-

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portunities of physical equipment and teacher background, I could visualize no great harm coming to either group.

Q Now, let us assume, in Prince Edward County, as you know the facts to be, that the county school board, in cooperation with the state, proceeds with the construction of this fine new high school building, costing some \$850,000 -- a better building, with better equipment, than any high school in that area, or in the county, or in the whole area -- let us assume that the school is provided with teachers with better qualifications, better salaries, than in the corresponding white school; that the curriculum is just as good or better in the new colored high school, - in your judgment, is there any reason why the Negro student in the high school should not receive just as good educational opportunities and advantages as if he were in a mixed school?

A I believe he could receive equal training and education in his own school.

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Q Do you think that would really be better for him from the standpoint of his own personality and development?

A Well, that is a little difficult for me to answer, because I deal primarily with the treatment of the individual, and I am not sure that I would say that it would be better for him. I would say that he would do just as well over there. I think that segregation is going to end, but I am not going to get into the philosophizing here, as the others did, and I think that there is a way that it can be made to end so that it will be a much smoother process and would be experienced in it than were it to be ended abruptly.

Q You mean over a long-range period?

A Yes, over a period of time. I think it could be made to change, but I think it is going to take some making by both sides.

Q How many children do you estimate have come under your work since you came into the direction of the Memorial Guidance Clinic here in Richmond?

A We see between 550 and 600 cases each year, and have the process of study and treatment that is in some stage, probably about a thousand.

Q Could you give us an estimate of how many

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children you have examined and treated since you have been out of medical school?

A Well, when I was alone it would run about 300 a year, and I have been in this work 17 years now, and in the past three years, we see more than -- let us say, about 600 in round numbers in the last three years; but before that, it was about 300 a year, save in the Army experience when I saw no children.

MR. MOORE: That is all.

MR. ROBINSON: Might we have a short recess?

JUDGE DOBIE: Yes. The Court will take a recess for five minutes.

(A 5-minute recess was taken.)

AFTER RECESS

JUDGE DOBIE: Do you wish to cross examine Dr. Kelly?

CROSS EXAMINATION

BY MR. CARTER:

Q Dr. Kelly, just a few preliminary questions. You indicated that when you were in Detroit in the high schools, the Negroes were introduced into the school for the first time. You did not mean to give the Court the impression that while you were attending school in Detroit that Negroes for the first time went to the

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school system there on a non-segregated basis?

A No, I was not in school at the time. That was when I was doing this research work with the National Committee for Mental Hygiene.

Q Don't you know, as a matter of fact, that Negroes have been going to the schools in Detroit on a non-segregated basis for a period of about 50 to 60 years?

A I do --

Q What you mean --

MR. ROBERTSON: Let him finish.

A (continued) I am from that area. The issue of segregation was never one that came to my special attention, that I paid any attention. I just mentioned that as a single incident that came to my attention in a single school. I have no personal experience with it. I did not go to the school, I mentioned something that occurred as an incident.

Q I merely wanted to understand it. You mentioned something about the maneuverability to which these doll tests that Dr. Clark used can be put. You were not intending to question Dr. Clark's integrity as a psychologist, or his integrity in the use of the tests, were you, Dr. Kelly?

A No, not at all. I read the testimony and I

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read some of the questions that Dr. Clark asked in the doll test, and I would feel that they are not true projection tests.

Q You feel that these tests could be maneuvered, but you are not implying that Dr. Clark did that?

A No, I had no intent --

JUDGE DOBIE: Of course, Mr. Carter, no intention was made in the questions we asked from the Court to reflect in any way upon either Dr. Clark's integrity or his skill. I asked my question just to say that it was possible for that, and that the tests depended something on the person giving the tests.

MR. CARTER: Yes, sir, I understood that.

JUDGE DOBIE: I just wanted to make that clear.

BY MR. CARTER:

Q In this clinic in Richmond that you direct, how many Negro psychiatrists do you have on your staff?

A Right at the moment, we do not have any. We had Dr. Johnson, who was a visiting psychiatrist, with us during -- well, during a period of about a year and a half, but other duties kept him from continuing in that capacity.

Q I understand from the educational background and

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experience that you have outlined that you are a psychiatrist; is that correct?

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A That is right.

Q You are not a psychologist?

A No, I am not a psychologist.

Q In your clinic, except for this one and a half year period that Dr. Johnson, I think you mentioned, work with you --

A Yes.

Q In your clinic, except for that, do white psychiatrists treat Negro children?

A Yes.

Q In view of the testimony that you gave, I would just like to ask you this question. Do you feel that the Negro children would get better treatment by a psychiatrist if they were placed in segregated clinics, treated by Negro psychiatrists, or do you think that your staff is competent to handle their behavior problems and help them, even though they be white?

A Well, we like to believe that we are doing a good job. Perhaps your question is not clear to me. Are you meaning that it would be better if we had colored psychiatrists on the staff?

Q I am asking you, do you think it is true?

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A Do I think it is true that a colored psychiatrist could treat --

Q Colored children?

A I do not think that would necessarily follow.

Q What experience, Dr. Kelly, have you had in testing?

A In formal testing of the direct measurement of intelligence, relatively little, and that was early in my training experience. I have not done any of it since. I used the rather obsolete and modified Kent test, while I was in the Army, which I did not think was particularly adequate, but I have done a great deal with projection tests.

Q I see. Is it the responsibility of a psychologist, or is it the responsibility of a psychiatrist, to construct, to administer, and to interpret tests?

A I do not think that the responsibility lies any place, specifically. I do not think that a psychiatrist could do it better than a psychologist. I do not think that a psychologist could do it better than a teacher or psychiatrist. I think that the individual test serves to bring something out to provide an individual with some information. A mechanic could construct a much better test for mechanical ability than I could.

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Q Generally, which profession usually, in general, handles that phase of the work; does a psychiatrist or generally does a psychologist?

A In general, a psychologist does it.

Q About these doll tests and these projective tests that have been used and have been testified to to determine the effect of racial discrimination and segregation on the Negro children, are you familiar with the Helen Trager test that was administered in Philadelphia?

A No, I am not.

Q Are you familiar with the Helen Hunt McLean tests that were administered?

A No. Would you like for me to tell you about the tests that I am? I think there are probably a thousand tests that you could name that I do not know. I can simplify it by telling you the ones with which I am familiar.

Q I want to find out, Dr. Kelly, and this is it -- whether you have, one, either read the literature, and there has been a great deal of this in the field, with tests that have been made by psychologists to measure the effects of segregation and discrimination on Negro children? Many tests have been made and many have been used. If you are familiar with any of them, I would

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like to hear them.

A I am not.

Q As a psychiatrist, do you feel that racial segregation is a social situation which has some effect upon personality development of the individual?

A Yes, I do.

3 Q As a psychiatrist, do you think that social situation is adversely or beneficial to the personality?

A I would have to say that it is adverse to the personality.

MR. CARTER: That is all.

REDIRECT EXAMINATION

BY MR. MOORE:

Q Do you consider that the adverse effect which you have mentioned would be substantially different in a situation where there was voluntary segregation, as compared with segregation by statute?

A I think that the fact that segregation would exist would cause the same problem. The other half of what I would say in answer to the question is that the elimination of segregation would not per se change the personality defect or adverse influence.

Q In other words, you do not consider that the

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mere elimination of the legal provision would substantially affect the practical results?

A No.

MR. MOORE: That is all.

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MR. MOORE: I would like Dr. Kelly to be excused, if he desires.

JUDGE DOBIE: Do you have any objection?

MR. ROBINSON: No, sir.

JUDGE DOBIE: All right.

MR. MOORE: I would like to call Mr. Buck.